
COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: March 21, 2006 (as amended)
TO: Loudoun County Board of Supervisors
FROM: Melinda M. Artman, Zoning Administrator
SUBJECT: Item # 15
Planning Commission Action Summary on Rural Policy Area Amendments

Attached please find the March 20, 2006 actions of the Planning Commission regarding the rural policy area amendments to the General Plan, the Zoning Ordinance, the Zoning Map, and the Land Subdivision and Development Ordinance to include the Facilities Standards Manual. Specifically, the amendments include CPAM 2005-0005, ZOAM 2005-0002, ZMAP 2005-0042 and DOAM 2005-0003. The Planning Commission has recommended approval of these applications as amended on March 20, 2006, with the votes as follows:

9-0 CPAM 2005-0005
7-2 ZOAM 2005-0002 (Volpe, Syska opposed)
7-2 ZMAP 2005-0042 (Volpe, Syska opposed)
9-0 DOAM 2005-0003
7-2 Amendments (Volpe, Syska opposed)

Additionally, the Planning Commission forwarded ZMAP 2006-0002 Phuoc Nguyen, Men Nguyen & Lon Nguyen, Jt., Gas Mart Corp., and Four Sons Family LLC, to the Board of Supervisors along with the recommendations for the above referenced rural policy area amendment applications. This ZMAP 2006-0002 proposes to remap five parcels from the RC district to the AR-1 district. Following the notices and advertisement for public hearing on the rural policy area amendments it was discovered that the five RC parcels were inadvertently omitted from the mapping effort. The Planning Commission action allows the parcels subject to ZMAP 2006-0002 to move forward with the overall remapping effort.

I will be present at your meeting to discuss this item.

Attachment: A/S

Attachment 4

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PLANNING COMMISSION REPORT TO THE BOARD OF SUPERVISORS

APPLICATION: CPAM 2005-0005, ZOAM 2005-0002, ZMAP 2005-0042
DOAM 2005-0003
Western Loudoun Rezoning

APPLICANT: Loudoun County Board of Supervisors

DISTRICT: Blue Ridge and Catoctin

LOCATION: Rural Policy Area

PLANNING COMMISSION ACTION

OVERVIEW

The application addresses the rezoning of the Rural Policy Area from a current A-3 density to new densities 1.) in the AR-1 area of 1 unit per 20 acres which may be subdivided to a density of 1 unit per 10 acres (by right) with no further subdivision allowed or to 1 unit per 7.5 acres through a rezoning with proffers paid back to the base density and 2.) in the AR-2 area of 1 unit per 40 acres which may be subdivided to a density of 1 unit per 20 acres (by right) with no further subdivision allowed or to 1 unit per 15 acres through a rezoning with proffers paid back to the base density. In addition, several modifications to the Comprehensive Plan, Zoning ordinance, Zoning map and Land Subdivision and Development Ordinance to include the Facilities Standards Manual were forwarded to the Planning Commission.

The Commission held multiple public input sessions and public hearings on the application. Subsequently, the commission formed three subcommittees to address each of the following topic groups:

Subcommittee A

Wells & Drainfields

Transportation

Private Access easements

LSDO disclosures

Traditional farming vs. niche farming

Subcommittee B

Open space requirements

Clustering & lot size

Buffering around towns, villages and JLMA's

Density credit for floodplain

CR-1, Cr-2, CR-4, RC

Village lines & coordination between Comp Plan, Town/Village line, LCSA

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service area
Extension of central water & sewer to CR areas adjacent to towns, villages and
JLMA's
Grandfathering

Subcommittee C

Zoning Ordinance 5-500 Definition of Special Events
5-600 Performance Standards
5-654 Roadway access and width
School & non-residential lot coverage percentage
Private Clubs as a Special Exception or Permitted Use
Country Clubs as a Special Exception or Permitted Use
Accessory Dwellings
Agricultural area minimum setbacks and minimum lot sizes
Camps

The Planning Commission held a total of 11 meetings since the beginning of the year (1 briefing, 1 public input session – 39 speakers, 2 public hearings –123 (includes 15 taped) speakers, 2 subcommittee meetings and 5 worksessions). This included discussions with representatives of the county attorney's office, health department, transportation department, Zoning Ordinance Review Committee, Rural Economic Development Commission, Zoning Administration and many members of the Planning Departments staff. Each subcommittee had a staff member and a ZORC member in attendance at each committee meeting.

The following is a summary of our actions:

ISSUES ADDRESSED / RECOMMENDATIONS

The Planning Commission considered the draft changes identified above and voted to recommend approval to the Board of Supervisors subject to the recommendations discussed below.

PC Vote: 9-0 CPAM 2005-0005

7-2 ZOAM 2005-0002 (Volpe, Syska opposed)

7-2 ZMAP 2005-0042 (Volpe, Syska opposed)

9-0 DOAM 2005-0003

7-2 Amendments discussed below (Volpe, Syska opposed)

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ZOAM 2005-0002

1. The proposed draft zoning language should be amended to require 70% open space in the AR-1 and AR-2 zoning districts for consistency throughout the Rural Policy Area.

Issue: Previously, this was 70% in AR-1 and 85% in AR-2. The change is recommended to maintain consistency in the entire Rural Policy Area.

PC Vote: 9-0

2. In all the affected districts, no maximum number of lots should be required within a cluster.

Issue: The previous limits of a minimum of 5 and a maximum of 25 were viewed as unsuccessful in maintaining the rural character of the affected areas where hamlet settlements arbitrarily spaced 800 feet apart have developed as a 'string of pearls' without an identifiable center or community character.

PC Vote: 9-0

3. Minimum lot size in a cluster shall be reduced based on the type of water and wastewater provided to the individual lot.
 - a. Lots served by on site well and on site wastewater within a cluster may be a minimum of 40,000 square feet (approximately 1 acre).
 - b. Lots served by on site well and off site wastewater within a cluster may be a minimum of 20,000 square feet (approximately ½ acre).
 - c. Lots served by communal well and wastewater within a cluster will have no minimum lot size.

Issue: The idea of maintaining a large minimum lot size was seen as contrary to the best interest of the rural area. By allowing smaller, more concentrated development areas, the compactness of the design allows for greater retention of open spaces and viewsheds. The sizes recommended above were developed based on input from ZORC members after studies were prepared illustrating the practical minimum sizes which allow well and septic tanks on the same parcel. **PC Vote: 9-0**

A373

4. Amend the AR districts base density division option to allow lot coverage to be 11% for non-residential uses.

Issue: Loudoun County Public Schools identified the proposed 8% lot coverage as a potential conflict since their standard school design vs. minimum acreage requirement does not fit within the 8% maximum. LCPS requested that the coverage allowance be increased to 15%. Based on the current LCPS standards, the 11% proposed language allows a standard school to be built on a standard site.

PC Vote: 9-0

5. Amend the Minimum Lot Size Requirements in the AR districts such that when two or more uses are established on the same lot and those uses are subject to performance standards contained in Section 5-600, that the minimum lot size shall be the larger of the two or more uses requirements, and not the sum of all the minimum lot sizes.

Issue: The zoning ordinance is currently silent on this issue. The draft text states that two or more uses require the sum of all minimum lot sizes. The Planning Commission recommends that current administration of the Ordinance be codified and clarify the potential conflict on multiple uses on the same lot and eliminate any potential ambiguity.

PC Vote: 9-0

6. Amend the use tables in the AR districts to allow "Private Clubs" as a special exception use.

Issue: This issue was raised by a member of the public. The proposed language does not allow private clubs as a permitted or special exception use in the AR districts. This is recommended to allow those groups owning property in the AR districts to provide a facility which their members may use or which may be made available to the community at large. There may be potential conflicts with surrounding residential uses including traffic, lighting and noise and, therefore, we are recommending a special exception be required.

PC Vote: 9-0

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7. Amend the use tables in the AR districts to allow "Country Clubs" as a special exception use. Amend the proposed performance standards in Section 5-600 regarding Country Clubs to increase FAR from 0.2 to 0.4; increase the amount of area devoted to restaurant/dining, and conference/banquet facilities, and the buffering only to adjacent properties that are not within the same development as the Country Club.

Issue: Currently the Zoning Ordinance allows a clubhouse as a permitted use in the AR districts as an accessory use to a golf course. The size is limited to 25,000 SF. The proposed change is recommended to allow a country club to provide a full-service facility to their members including expanded dining facilities, exercise facilities, massage services, and steam rooms, and the country club may be accessory to an outdoor recreation use. There may be potential conflicts with surrounding residential uses including traffic, lighting and noise and, therefore, we are recommending a special exception be required.

PC Vote: 9-0

8. Amend Section 5-600 regarding modifications to performance standards by special exception to read "minor special exception".

Issue: Currently all special exceptions for additional regulations for specific uses under Section 5-600 must be considered by both the Planning Commission and the Board of Supervisors, no matter how minor. This change is recommended to allow applicants with minor issues to have those issues addressed by County staff and be considered directly by the Board of Supervisors. This was viewed as a means to minimize the financial and time burden on rural economy users by allowing the process to forgo consideration by the Planning Commission. At its discretion, the Board of Supervisors may refer the application to the Planning Commission for further study and recommendation.

PC Vote: 9-0

9. Revise the provisions for temporary permits as contained in Attachment A.

Issue: "Special events" is presently defined as events having attendance by more than 100 persons. For those rural businesses which have indoor and outdoor facilities large enough to accommodate over 100 people without creating disturbance to neighbors, the need to apply for temporary permits is an unnecessary burden. Therefore, provisions for temporary

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permits have been adjusted in conjunction with revisions for Items 10 and 11 below.

10. Amend the definition of special event as contained in Attachment A.

Issue: This item was redefined to clarify items which reasonably expect to attract large numbers of people.

PC Vote: 9-0

11. Eliminate the distinction between "Bed and Breakfast Homestay" and "Bed and Breakfast Inn" and substitute "Bed and Breakfast" as contained in Attachment A.

Issue: This item was refined to combine a fundamentally similar concept which had been previously divided into minor incremental differences. One of the main concerns was the generation of noise and lighting at events that were occurring often at Bed & Breakfast facilities. This recommended change provides for all Bed & Breakfasts to host indoor events with the total attendance limited by the requirements of the building code. The attendance at outdoor events would be limited by the gross acreage of the lot.

PC Vote: 9-0

12. Eliminate the distinction between "Accessory Dwelling Unit", "Tenant Dwelling", "Guest House" and "Caretakers Quarters" in the AR districts, substituting just "Accessory Dwelling Unit" as contained in Attachment B. We concur with all other ZORC recommendations on this topic.

Issue: The need for different classifications of dwelling unit was considered unnecessary as they are all basically a second dwelling unit on the same lot.

PC Vote: 9-0

13. Amend Table 5-654 to allow the private road standards to be waived by adding a note that all Facilities Standards Manual provisions to waivers apply.

Issue: This issue was identified by the REDC. The proposed standards were too limiting to rural economy uses. For example, existing private rural road widths are NOT consistent throughout the county and a condition

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where a small section of an existing private road is not of adequate width might cause a use to be denied even though much of the road width WAS in compliance with the requirements of the ordinance and all FSM provisions, other than road width, were accommodated.

14. Amend Section 5-633 (B) to state: **"Site Size.** The minimum lot area for an airport/landing strip shall be 25 80 acres, ~~except that a use consisting only of a landing strip with no accessory structures or facilities other than a fueling station shall be a minimum of 15 acres in size.~~

Issue 1: The existing requirements for an airstrip require a minimum setback of 650' in all directions (this is a minimum 1300' square or 38.79 acres). There is also a buffering requirement which makes the practical construction of a landing area only possible on approximately 80 acres.

PC Vote: 9-0

ZMAP 2005-0042

15. Retain CR-1, CR2, CR4 and RC zoning contiguous to Villages, Towns and JLMAs. Retention of CR and RC zoning will allow for future growth where it is consistent with the goals and objectives of the Villages and Towns.

Issue: This issue was identified by members of the public. Most of the CR zoned properties are adjacent to existing developed town and villages which currently provide for basic services. It was considered appropriate to maintain the CR zoning in these areas to allow some growth in those areas which could most easily support the growth without adversely impacting the adjacent areas or creating the need for additional services to be required on a large scale.

PC Vote: 9-0

CPAM 2005-0005

16. Amend the Comprehensive Plan to allow Rural Villages as a development option in the Rural Policy Area and direct the Planning Commission to develop new language in the zoning ordinance to address the implementation of this policy.

Issue: The Planning Commission recommends that the Board of Supervisors include in its definition of re-zoning options for the AR-1 and AR-2 districts provision for the development of new and expanded rural villages in the Rural Policy Area in addition to the currently proposed RR-1 and RR-2 options. These rural villages, to be permitted through a PD-RPAV (Planned Development - Rural Policy Area Village) district classification, should have the following key characteristics:

(A) The creation of a distinct settlement of sufficient size to provide for a variety of life styles and housing types.

(B) The preservation of natural resources, land for rural economic uses and open space

(C) Minimization of the potential for conflict between rural economic land uses and other land uses.

PC Vote: 9-0

DOAM 2005-0003

17. Delete the requirement in Chapter 6 of the Facilities Standards Manual for a hydro geologic report and well digging prior to submission and approval of a preliminary plat. Include the requirement in Chapter 6 of the Facilities Standards Manual for a hydro geologic report and well digging prior to issuance of a record plat.

PC Vote: 6-0-3

Other recommendations:

1. The Planning Commission recommends that the Board of Supervisors readopt the 1993 grandfathering language, as follows:.

Pending Applications - Applicability.

(1) This Ordinance shall apply to all applications officially accepted after the approval date of this Ordinance, except as provided below.

(2) All active applications for Zoning Map Amendments, Concept Plan Amendments and Zoning Ordinance Modifications, and Special Exceptions officially accepted prior to the effective date of this Ordinance shall be processed, pursuant to the provisions of the Ordinance in effect prior to the effective date of this Ordinance. However, those applications which are approved shall be subject to this Ordinance and mapped accordingly with PDH applications being specifically subject to the provisions of Section 1-103(M).

(3) All active applications for preliminary or record plat subdivision approvals, or preliminary or final site plan approvals, officially accepted prior to the effective date of this Ordinance shall be subject to the Ordinance in effect prior to the effective date of this Ordinance.

~~(4) All inactive applications which were officially accepted prior to the effective date of this Ordinance shall be treated as follows:~~

~~(a) The Director of the Department responsible for review of the application shall notify the applicant, as identified on the application, and the owner of record as shown on the tax records, by Certified Mail, Return Receipt Requested, within thirty (30) days of the effective date of this Ordinance, that they must choose to either remain inactive until further notice or to proceed to final decision under the provisions of the Ordinance existing prior to the effective date of this Ordinance or to withdraw the application.~~

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~~Such choice must be made in writing and received within 120 calendar days of the effective date of this Ordinance. A decision to proceed shall subject such application to the above provision addressing active applications.~~

~~(b) Failure to respond within the 120 calendar day time period provided above shall result in the application being processed to a final decision under the provisions of the existing ordinance, but subject to the above provision addressing active applications.~~

~~(c) If the applicant notifies the County of their choice to remain inactive then (i) such application shall remain inactive provided the applicant grants a timeline extension for the decision deadline applicable to such application; (ii) such applications may remain inactive for up to three (3) years; (iii) such applications may be reactivated at any time during this time period by submitting written notification to the Director of the Department reviewing the application; (iv) such reactivation shall require payment of a fee, as established by the Board of Supervisors; and (v) any reactivated applications, or applications for which the three year inactive period expires, shall be reviewed under the provisions of this Ordinance, specifically including Section 1-103(M).~~

~~(5) Applications for record plats or final site plans officially accepted following the effective date of this Ordinance, but filed pursuant to a preliminary plan of subdivision or preliminary site plan lawfully approved under the Ordinance in existence prior to the effective date of this Ordinance, shall be reviewed under the provisions of that Ordinance.~~

PC Vote: 5-4

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2. The Planning Commission recommends that the Board of Supervisors take action on initiating a DOAM as specified in #17 above, 45 days prior to the adoption of the rural mapping amendments.

PC Vote: 6-3

3. The Planning Commission recommends that the Board of Supervisors initiate a future Comprehensive Plan Amendment (CPAM) to reconcile existing zoning, Comprehensive Plan boundaries and sewer service district boundaries for Villages.

Issue: Currently, there is no coordinated overlay process to verify that zoning boundaries, plan boundaries and sewer service district boundaries provide for a unified vision of a town or village area. The commission recommends that the Board of Supervisors form a committee to include representatives from the affected towns and villages, the Planning Commission, the Planning Department, the Zoning Department and LCSA to review the existing conditions and make recommendations which will address the current discrepancies.

PC Vote: 9-0

4. The Planning Commission recommends that the Board of Supervisors direct the County Attorney to review proposed amendments to Chapter 1066 of the Codified Ordinance regarding private sewage disposal and as further allowed by Section 15.2-2157 of the Code of Virginia and forward proposed modifications which allow the County to require a program of periodic inspections as a requirement of such systems.

PC Vote: 9-0

If this is not allowed by VA Code, then the Planning Commission recommends that the Board of Supervisors should consider alternative options such as requiring a Minor SPEX for alternative systems which would allow the County to place a condition of approval on the SPEX that the systems shall have regular maintenance programs in place.

PC Vote: 9-0

5. The Planning Commission recommends that the Board of Supervisors initiate a future Comprehensive Plan Amendment (CPAM) to permit the extension of central water and sewer to parcels contiguous to the Villages, Towns and JLMAs , except that where specific Town/County agreements exist,

such as the Purcellville Urban Growth Area Management Plan (PUGAMP), provisions of such agreements shall govern.

Issue: In order to protect the environment, address public health and safety and otherwise provide for the public benefit we recommend that towns, villages and JLMA's be provided this option without the need for a case-by-case CPAM as is now required. The extension of central water and sewer shall be at the discretion of the governing bodies of the Villages and Towns or the County in the absence of town or village government.

PC Vote: 9-0

6. The Planning Commission recommends that the Board of Supervisors adopt and immediately initiate the recent recommendations by the Water Resource Technical Review Committee for water quality and quantity monitoring in the entire county.

Issue: In order to be able to make a qualified decision in regard to the availability of sufficient clean water for future uses in the county it is necessary to have quantifiable data to support such decisions. At this time the county does not posses such data nor does the county possess the means to obtain such data. The additional wells that have been suggested be drilled and monitored by the Water Resources Board, as well as their other provisions, will provide such data over long periods of time from controlled environments. Such information will be vital for judging the availability of clean water resources during times of drought and possible over use.

PC Vote: 9-0

Other Actions:

The Commission ran out of time to adequately discuss the following issues which we recommend be addressed in the future:

1. The Planning Commission recommends that the inconsistencies regarding lot size and setbacks in Sections 5-626, 5-627 and 5-630 Agriculture, Agriculture Support Uses (Direct) and Agriculture Support Uses (Indirect) be addressed and that the inconsistencies be eliminated.

2. The Planning Commission deferred any action on changes to the performance standards for camps until the Annual Review.

Signed: _____
Teresa Whitmore, Planning Commission Chairman

Signed: _____
Robert J. Klancher, Planning Commission Vice-Chairman

Date: _____

ARTICLE 8 AMENDMENTS

Banquet/Event facility: A use in which the principal function is hosting ~~special occasion events~~ private parties at which food and beverages are served to groups of people, and which has facilities for the refrigeration and ~~heating preparation of food, or~~ which provides facilities for food through a caterer. Banquet/Event facilities, held indoors or outdoors, may also be an ancillary component of other uses such as, but not limited to: restaurants, hotels, bed and breakfasts, country inns, rural retreats, rural resorts, conference centers and similar uses.

~~**Bed and Breakfast Homestay:** A private, owner-occupied dwelling in which the frequency and volume of paying guests is incidental to the primary use of the building as a private residence. One to three guest rooms are made available to transient visitors. The establishment shall not contain restaurant facilities, but may provide food service for transient overnight guests only.~~

Bed and Breakfast Inn (formerly Bed and Breakfast Homestay and Bed and Breakfast Inn): A business operated in one or more structures which is used primarily for providing overnight accommodations to the public and which may include rooms for meetings for persons who are or are not guests of the inn as well as banquet or event facility(ies) for private parties even though the A Bed and Breakfast may include a Banquet/Event Facility as an ancillary use. An owner or manager may live on the premises. The number of overnight guest rooms may range from ~~three~~ four (4) to no more than ~~ten (10)~~ twenty (20). The establishment shall not contain restaurant facilities, but may provide food service for overnight guests or ~~other transient guests attending meetings or private parties only.~~

Country Inn: A business operated in one or more structures which offers overnight accommodations and may contain meeting rooms, dining, and banquet/event facilities in a predominately rural area for persons who are or are not guests of the inn. The number of overnight guest rooms may range from four (4) to forty (40). An owner may live on the premises. ~~Overnight accommodations are available, and a~~ A Country Inn may include a full-service restaurant ~~and provides breakfast, lunch and dinner to~~ for guests and the general public and meeting facilities. A Country Inn may also include a Banquet/Event Facility as an ancillary use. ~~meeting, banquet or events facilities for private parties.~~

Private Parties: Events that are not open to the public and are by invitation.

Special Event: A temporary commercial or festive activity or promotion at a specific location that is open to the public and is planned or reasonably expected to attract large assemblies of persons. Temporary Special events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, civil war reenactments, equestrian shows, firework displays and events, or similar events open to the public. In addition, a ~~Private parties held at properties other than a Banquet/Event Facility (e.g., Hotel, Conference Center, Restaurant, banquet facility, Bed and Breakfast, Country Inn, Rural Retreat or Rural Resort or and similar facilities) or which is held on other than the property other than property which is occupied by the host, shall also be deemed a special event.~~ corporate

Attachment A

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1 ~~receptions, and weddings.~~ An outdoor event or outdoor private party held at a Bed and
2 Breakfast that exceeds the limits for such events as contained in Section 5-601(B)(6)(c)
3 of this Ordinance shall be deemed a Special Event, as shall an outdoor event or outdoor
4 private party held at a Country Inn that exceeds the limits for such events as contained in
5 Section 5-601(C)(7)(c). "Special event" does not include temporary or seasonal retail
6 sales of goods, products, or services, such as temporary sales of Christmas trees, farm
7 produce, fireworks, and other similar seasonal goods.
8

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1 **Section 5-500. Temporary Uses/Zoning Permits.**

2
3 (A) **Construction Related Temporary Uses.**

- 4 (1) **Construction and Sales Trailers.** Temporary buildings,
5 including but not limited to, construction and sales trailers, and
6 storage of materials are permitted in conjunction with the
7 construction of a building, buildings, subdivision, infrastructure, or
8 development when located on the same parcel where the
9 construction is taking place and when located on the same parcel
10 shown on an approved concept development plan, zoning plat or
11 preliminary subdivision and limited to the duration of the
12 construction. Temporary buildings may be erected after
13 preliminary subdivision plat or site plan approval so long as zoning
14 requirements are met for the lot on which the temporary buildings
15 are placed and appropriate building permits have been obtained.
16 Such temporary buildings shall be removed as a condition of final
17 bond release
- 18 (2) **Temporary Dwelling unit in conjunction with construction of a**
19 **dwelling.** ~~However, the~~ The erection and occupancy of a
20 temporary dwelling for up to twelve (12) months, which may be
21 extended by the Zoning Administrator, is permitted during the
22 construction of a dwelling on the same lot subject to obtaining a
23 zoning permit, to be issued concurrently with or after the issuance
24 of the building permit. Construction of a house displayed for
25 advertising purposes, not intended to be sold or occupied as a
26 dwelling, whether in connection with a residential development or
27 otherwise, shall not commence until a performance bond adequate
28 to ensure the removal of the structure has been posted.
- 29 (3) **Sales and leasing.** Residential and non-residential sales and
30 leasing are permitted as a temporary use in a dwelling, a model
31 home, or temporary building located in the same subdivision or
32 development where the dwellings or non-residential buildings are
33 to be located and offered for sale or lease. The sales use is
34 permitted until the issuance of the last occupancy permit within the
35 subdivision or development.
- 36 (4) **Model Homes.** Single family detached model homes are
37 permitted in all districts where residential uses are allowed. Single
38 family detached model homes may be constructed prior to record
39 plat approval so long as zoning requirements are met for the lot on
40 which the home is constructed and appropriate building permits
41 have been obtained. If a model home has been constructed prior to
42 record plat approval, it shall be depicted on the record plat. Single
43 family attached model homes, multi-family model units, and model

1 home courts are permitted subject to first obtaining record plat or
2 site plan approval. In addition, if any model home incorporates
3 features that are atypical to the ultimate residential use of the
4 home, such as, but not limited to, utilization of the garage for a
5 sales office without the provision of adequate on-site parking, or
6 provision of a centralized parking area for a model court, then the
7 use is also subject to review and approval through a site plan
8 amendment process. Alternatively, the model unit or model court
9 may be incorporated in the construction plans and profiles of the
10 applicable development subdivision or site plan. The County may
11 require a bond as appropriate to ensure that the atypical features
12 including temporary parking lots will be removed or brought into
13 conformance prior to conversion of the unit for residential
14 occupancy. Notwithstanding, nothing herein shall be construed so
15 as to require a garage in a model home to be utilized for parking, if
16 the unit or lot otherwise meets the parking requirements of this
17 ordinance. A model home shall obtain an occupancy permit prior
18 to residential occupancy

19 (B) **Temporary Sales.** Temporary sales of produce, Christmas trees,
20 fireworks, and other seasonal goods, may be permitted on application for
21 a temporary zoning permit to the Zoning Administrator. Such permit
22 may impose conditions necessary to alleviate any adverse impacts such as
23 provisions for adequate parking, traffic safety, fire safety, hours of
24 operation, provision for sewage disposal, and other health and safety
25 concerns the Zoning Administrator may deem necessary, and the posting
26 of a bond to ensure timely removal of structures and materials and
27 restoration of the area. A temporary zoning permit for temporary sales
28 shall be valid for a period not to exceed 45 days, unless extended, and
29 shall require that all structures and materials be removed within such time
30 period. At a minimum:

- 31 (1) Structures for temporary sales shall not exceed 400 square feet in
32 floor area nor be closer than 35 feet to a right of way or
33 prescriptive easement of a road.
- 34 (2) Entrances and exits to roads shall be clearly delineated.
- 35 (3) Entrances and exits shall be so located as to provide safe ingress
36 and egress from roads and shall be channeled to prevent
37 unrestricted access to and from the premises.
- 38 (4) No more than two (2) signs consistent with Section 5-1203(S) of
39 this Ordinance shall be permitted.

(C) ~~Temporary Special Events.~~ Temporary special events may be permitted on application for a temporary zoning permit to the Zoning Administrator, subject to this subsection's standards and requirements.

(1) ~~Applicability. Except as exempted below, these provisions apply to temporary special events that are singular in nature and open to the public and private parties planned for or which reasonably may be expected to attract more than 100 persons at any one time at the facility at which the event is held in designed to handle as indicated on the approved site plan for the facility. Temporary special events include, but are not limited to, circuses, music fairs, or concerts, tent revivals, art shows, craft shows, fairs, corn mazes, festivals, civil war reenactments, equestrian shows and events, corporate receptions, and weddings. See Article 8 of this Zoning Ordinance for the definition of the term "special event."~~

(2) ~~Exempt Activities.~~ The following special events are exempt from the requirements of this section (i.e., they may occur without a temporary zoning permit). Exempt special events, however, shall remain subject to all other applicable provisions of this Ordinance and the Loudoun County Code, including, but not limited to standards governing noise control:

- (a) ~~Special events planned or reasonably expected to attract less than 100 persons at any one time.~~
- (b) ~~Special events occurring within, or upon the grounds of, a private residence, where the property owner receives no compensation for hosting the event and guests/attendees are not charged an admission fee.~~
- (c) ~~Any event sponsored in whole or in part by Loudoun County or another political subdivision of the Commonwealth of Virginia;~~
- (d) ~~Any organized special events conducted at sites or facilities typically intended, used, and designed for such events. Examples of such exempt activities include, but are not necessarily limited to:~~
 - (i) ~~Sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities;~~
 - (ii) ~~Wedding services conducted at country inns, banquet facilities/halls, reception halls, or similar facilities;~~

- ~~(iii) Wine tasting and wine tasting dinners at Virginia Farm Wineries or other wineries whose facilities are designed for such events;~~
- ~~(iv) Conferences at and similar events at rural agricultural corporate retreats; and~~
- ~~(v) Large dinners and special events at country inns and bed and breakfast inns designed for that purpose.~~
- (e) ~~Special events for the purpose of selecting candidates for office, political fundraising, or meeting to debate public policy.~~

(2) **Exemption for Special Events Approved as Part of a Special Exception Use.** ~~Temporary~~ special events that are expressly approved as part of a special exception use are exempt from this subsection's requirements for a temporary zoning permit. If specific facilities or areas will be constructed or used to host the proposed special events, they shall be shown on the site plan required for the special exception use. Such ~~temporary~~ special events shall comply with any applicable conditions stated in the special exception approval, and all other applicable provisions in ~~this Section 5-500(C)~~, the Zoning Ordinance, and the Loudoun County Code.

(3) **Permitted Locations.** ~~Temporary~~ special events ~~not otherwise exempt under this Section 5-500(C)~~ shall be permitted only when proposed to be held, in whole or in part, on any of the following properties, or a combination thereof:

- (a) ~~Public or Private~~ property within one or more of the Rural and Transition Residential Zoning Districts;
- (b) Nonresidential private property within one or more of the Suburban Zoning Districts or Planned Development (PD) Zoning Districts; or
- (c) Residential private property within any Suburban Zoning Districts or within a Planned Development (PD) Zoning District that contains a total gross acreage of at least two (2) acres.

(4) **Referral Authorized.**

- (a) Upon acceptance of the application for a ~~temporary~~ special event permit, the Zoning Administrator may refer the application for comments to any town, county, or state

1 departments or agencies, as appropriate, for full and
2 adequate review of the merits of the application.

- 3 (b) Each reviewing agency or department shall submit its
4 comments in writing to the Zoning Administrator within
5 fifteen (15) calendar days from receipt of the
6 Administrator's referral request.

- 7
8 (5) **Minimum Standards and Criteria for Review.** The Zoning
9 Administrator shall approve a temporary zoning permit application
10 for a special event if it meets all of the following standards and
11 criteria:

- 12 (a) The proposed ~~temporary~~ event shall be located, operated,
13 and maintained in a manner consistent with the provisions
14 of this Ordinance.
- 15 (b) The particular location requested can reasonably
16 accommodate the proposed ~~temporary~~ event, given the
17 proposed use's nature, size, and duration.
- 18 (c) The operation of the requested event at the location
19 proposed and within the time period specified shall not
20 create significant adverse impacts, including but not limited
21 to environmental, visual, glare, traffic, noise, or odor
22 impacts, on adjacent properties, or improvements on
23 adjacent properties, or in the surrounding area.
- 24 (d) The proposed event shall not create an unreasonable risk
25 of:
- 26 (i) Significant damage to public or private property,
27 beyond normal wear and tear;
- 28 (ii) Injury to persons;
- 29 (iii) Public or private disturbances or nuisances;
- 30 (iv) Unsafe impediments or distractions to, or
31 congestion of, vehicular or pedestrian travel; or
- 32 (v) Additional police, fire, trash removal, maintenance,
33 or other public services demands, unless
34 substantially mitigated by the applicant or operator.
- 35 (e) The time and location requested for the proposed special
36 event shall not be already permitted or reserved for other
37 activities.
- 38 (f) Permanent alterations to the site are prohibited, unless the
39 Zoning Administrator specifically approves the alteration
40 so that the permit applicant can comply with this subsection
41 5-500(C).

(g) Permanent signs are prohibited. All temporary signs approved under Section 5-1200 of this Ordinance and that are associated with the ~~temporary~~ event use shall be removed when the special event ends.

(h) ~~Temporary~~ special events shall not violate any applicable conditions of approval that apply to the principal use on the site.

(i) The applicant or operator has received or complies with any other required permits, such as health department permits, or other federal, state, or county regulations.

(6) **Authority for Reasonable Conditions of Approval.** The Zoning Administrator may impose conditions reasonably necessary to assure compliance with the standards in this subsection, to ensure that operation and maintenance of the special event mitigate potential adverse impacts on existing uses on adjoining properties and in the surrounding area, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions for security, traffic safety, fire and life safety; conditions limiting hours of operation; provision for adequate sewage disposal; and any other health and safety concerns the Zoning Administrator may deem necessary to comply with the standards in Section 5-500 (C)(6), above. In addition, the Zoning Administrator may require the posting of a bond to ensure timely removal of structures and materials and restoration of the area.

(7) **Term of Approval/Permit.** A temporary zoning permit for a ~~temporary~~ special event authorized pursuant to this subsection shall be limited to a maximum duration of fourteen (14) days, unless otherwise specifically authorized or extended by the Zoning Administrator. A permittee may request an extension of the approval term in writing before the expiration of the original approval term and the Zoning Administrator may approve an extension upon a finding that the ~~temporary~~ special event has substantially complied with all conditions of the original approval, and that the extension will not create substantial adverse impacts on adjacent properties. All structures and materials related to the special event shall be removed within the approval time period or as such period may be extended.

(8) **Maximum Number of Special Events per Property.** Within any single calendar year, the same property may host no more than ~~ten~~ fifteen (15) ~~ten (10) temporary~~ special events pursuant to this subsection. The temporary use permits for these special events may be reviewed and approved concurrently. A minimum of ~~thirty (30)~~

1 14 days shall lapse between ~~temporary~~ special events on any one
2 property, or the subsequent special event shall be a minimum of
3 two thousand (2,000) feet from the location of the previous
4 ~~temporary~~ event.

5
6
7 **5-601 ~~Bed and Breakfast and Rural~~ Guest Establishments.** These establishments
8 may be located in accord with the lists of permitted and special exception uses for
9 the individual zoning districts subject to the following criteria:

10 **~~(A) Bed and Breakfast Homestay.~~**

- 11 (1) ~~The owner of the premises shall reside in and manage the~~
12 ~~establishment.~~
- 13 (2) ~~The establishment shall not contain restaurant facilities, but may~~
14 ~~provide food service for transient guests only.~~
- 15 (3) ~~No special events (e.g. weddings, receptions, and parties) or~~
16 ~~similar activities conducted for compensation shall be permitted~~
17 ~~outdoors pursuant to Section 5-500(C), unless the parcel is larger~~
18 ~~than 25 acres and elects to qualify as a Banquet or Event Facility~~
19 ~~pursuant to Section 6-642. In addition, outdoor music shall not be~~
20 ~~allowed after 11:00 PM, except as follows:~~
- 21 (a) ~~Outdoor special events are permitted on parcels of 10 (ten)~~
22 ~~acres or more; and~~
- 23 (b) ~~Indoor special events are permitted only by special~~
24 ~~exception.~~
- 25 (4) ~~For any establishment that is not located on a state maintained~~
26 ~~road, a copy of the deed establishing the ingress/egress easement~~
27 ~~shall be provided to the Zoning Administrator. The deed shall~~
28 ~~demonstrate that the easement may be used to support the~~
29 ~~establishment.~~

30
31 **Bed and Breakfast Inn (formerly Bed and Breakfast Homestay and Bed and Breakfast**
32 **Inn):** ~~A business operated in one or more a structures which is used primarily for providing~~
33 ~~overnight accommodations to the public and may include rooms for meetings for persons~~
34 ~~who are or are not guests of the inn as well as a Banquet/Event Facility(ies) for private~~
35 ~~parties, even though the An owner or manager may lives on the premises. The number of~~
36 ~~guest rooms may range from three four (43) to no more than twenty (20). The establishment~~
37 ~~shall not contain restaurant facilities, but may provide food service for overnight or other~~
38 ~~transient guests only.~~

39
40 **Private Events:** ~~Events that are not open to the public and are by invitation.~~
41

(B) **Bed and Breakfast Inn (formerly Bed and Breakfast Homestay and Bed and Breakfast Inn).**

- (1) The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by guests.
- (2) The establishment shall not contain restaurant facilities but may provide food service for overnight or other transient guests only.
- (3) ~~Special events (e.g. weddings, receptions, and parties) or similar activities conducted for compensation shall be permitted pursuant to Section 5-500(C). Additional events beyond the limits established by Section 5-500(C) may be permitted by special exception. Weddings, receptions, private parties, meetings and similar activities may occur in accordance with paragraph 6 below.~~
- (4) For any establishment that is not located on a state maintained road, a copy of the deed establishing the ingress/egress easement shall be provided to the Zoning Administrator. The deed shall demonstrate that the easement may be used to support the establishment.
- (5) Entrances and exits from the state-maintained road shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted access to and from the premises.
- (6) ~~In the AR, TR, JLMA and PD-CV districts where it is identified as an allowed use, a bed and breakfast inn shall comply with the following additional requirements:~~

Intensity/Character.

- (a) The minimum lot area shall be as follows:

Use	Lot Area (Minimum)	No. of Guest Rooms
Level I - small scale	20.5 acres	4-8 3-7 rooms
Level II - medium scale	30-15 10 acres	9-12 8-20 8-10 rooms
Level III - large scale	40+ acres	15-20+ rooms

- (b) Indoor events: ~~An unlimited number of~~ weddings, meetings, private parties and meetings may be held within a building(s) approved for the Bed and Breakfast use. The maximum number of attendees is based on the occupancy load of the event space as determined by the Uniform Statewide Building Code.

- (c) **Outdoor events:** ~~An unlimited number of~~ weddings, meetings, private parties and meetings may be held outdoors. The maximum number of attendees is based on the acreage of the property as identified in the table below. Attendees in excess of the limits identified are subject to the provisions of Section 5-500(C) Special Events.

No outdoor events	Less than 10 acres
75 50 attendees	10 acres
150 125 attendees	25 acres
250 200 attendees	40 acres
350 attendees	75 acres

- (d) **Size of Use.** The floor area ratio shall not exceed 0.044.
 (e) **Yard Standards.** The minimum required yards shall be as follows:

- ~~(i) Level I - 2-20 rooms with no outdoor events - small scale - 100 feet minimum from all lot lines.~~
~~(ii) Level II - 2-20 rooms with outdoor events - medium scale - 150 feet minimum from all lot lines.~~
 (iii) Level III - large scale - 200 feet minimum from all lot lines.
 (iv) Outdoor areas including parking areas, used for banquets or event facilities or for music shall be located a minimum of 500 lineal feet from a dwelling located on a separate lot.

Comment:

- (f) **Landscaping/Buffering/Screening.**
 (i) The use shall comply with the landscaping and screening standards of Section 5-653(A).
 (ii) Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 (iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.
 (g) **Parking.**
 (i) **General.** Parking and loading for a bed and breakfast inn shall be provided as required by Section 5-1102.

- 1 (ii) **Surface.** All parking areas serving the use shall use
2 a dust-free surfacing material as provided in the
3 Facilities Standards Manual.
- 4 (h) **Exterior Lighting.** Exterior lighting for a bed and
5 breakfast inn shall be for security purposes only, subject to
6 Section 5-652(1)-(3).
- 7 (i) **Noise.** ~~The maximum allowable dB(A) level of impulsive~~
8 ~~sound emitted from the use, as measured at the property~~
9 ~~line, shall not exceed 55 dB(A). No outdoor music~~
10 ~~between 11 pm and 10 am on Friday, Saturday, and~~
11 ~~holidays and between 10 pm and 10 am on Sunday through~~
12 ~~Thursday.~~
- 13
14 (7) A structure existing prior to January 7, 2003, located within an
15 Historic Site District or Historic and Cultural Conservation District
16 may be used as a Bed & Breakfast ~~inn~~ and shall be exempt from
17 the minimum lot area, yard and floor area ratio requirements
18 specified above, provided that any expansion or enlargement of
19 such structure shall not exceed 15% of the total floor area existing
20 prior to January 7, 2003 unless a greater expansion is approved by
21 minor special exception pursuant to section 6-1300.
- 22
23 (C) **Country Inn.**
- 24 (1) The owner or manager shall provide full-time management of the
25 premises at all times when the establishment is occupied by guests.
- 26 (2) The establishment may contain a full-service restaurant and/or
27 banquet or event facilities, in addition to guest rooms, that
28 may provide meal service to guests and the general public.
- 29 (3) A maximum of 10% of the gross floor area of the Country Inn may
30 be comprised of accessory day treatment spa facilities.
- 31
32 (4) ~~The establishment shall meet the standards contained in Section 5-~~
33 ~~601 (B)(3) through (5).~~ For any establishment that is not located
34 on a state maintained road, a copy of the deed establishing the
35 ingress/egress easement shall be provided to the Zoning
36 Administrator. The deed shall demonstrate that the easement may
37 be used to support the establishment.
- 38 (5) Entrances and exits from the state-maintained road shall provide
39 safe ingress and egress from roads, and shall be channeled to
40 prevent unrestricted access to and from the premises.

- (6) A Country Inn shall have at least four rooms for transient overnight occupancy and provide at least one of the following elements:

- (a) More than 20 10 rooms not to exceed 40 rooms for transient overnight occupancy, such facility may include banquet/Event facilities;
- (b) Full service restaurant facilities may provide providing breakfast, lunch and dinner meals to guests and the general public. In addition, banquet/Event facilities may be provided.

- (7) ~~In the AR and TR districts, a country inn shall comply with the following additional requirements:~~

Intensity/Character.

- (a) The minimum lot area shall be 40 25 acres, as follows:

Level-I	20 acres	4-8 rooms	Minor SPEX
Level IA	40 acres	4-8 rooms	Permitted
Level II	40 acres	9-20 rooms	Minor SPEX
Level IIA	60 acres	9-20 rooms	Permitted
Level III	60 acres	21-30 rooms	Minor SPEX
Level IIIA	80 acres	21-30 rooms	Permitted
Level IV	80 acres	31-40 rooms	Minor SPEX
Level IVA	100 acres	31-40 rooms	Permitted

- (b) **Indoor events:** ~~An unlimited number of~~ weddings, meetings, private parties and meetings may be held within a building approved for the Bed and Breakfast use. The maximum number of attendees is based on the occupancy load of the event space as determined by the Uniform Statewide Building Code.
- (c) **Outdoor events:** ~~An unlimited number of~~ weddings, meetings, private parties and meetings may be held outdoors. The maximum number of attendees is based on the acreage of the property as identified in the table below. Attendees in excess of the limits identified are subject to the provisions of Section 5-500(C) Special Events.

Maximum Number of Attendees	Minimum Acreage
150 125 attendees	25 acres
250 200 attendees	40 acres
350 attendees	75 acres

(d) Size of Use.

- (i) The floor area ratio shall not exceed 0.04.
- (ii) The restaurant and indoor ~~banquet or event~~ facilities on premises shall not exceed 25.49 percent of the total floor area of the country inn.

(e) Yard Standards. The minimum required yard setback shall be as follows:

- ~~(i) 1-40 Guest Rooms with no outdoor events Level I small scale: 100 feet minimum from all lot lines.~~
- ~~(ii) 1-40 Guest Rooms with Restaurant/Indoor Banquet Event Facilities Level II medium scale: 200 feet minimum from all lot lines.~~
- (iii) 4-40 Guest Rooms with Outdoor Events Level III large scale: 250 feet minimum from all lot lines but not less than 500 feet from an existing dwelling on a separate lot.

(f) Landscaping/Buffering/Screening.

- (i) The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (ii) Parking areas shall be screened to comply with the standards of Section 5-653(B).
- (iii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(g) Roads/Access.

- (i) The country inn shall comply with the road access standards in Section 5-654.
- (ii) There shall be no more than ~~one~~ two points of access ~~to a for guests of the Country Inn use.~~ This requirement shall not preclude an additional access for emergency vehicles only.

(h) Parking.

- 1 (i) **General.** Parking and loading shall be provided as
2 required by Section 5-1102.
- 3 (ii) **Surface.** All parking areas serving the use shall use
4 a dust-free surfacing material, as provided in the
5 Facilities Standards Manual.
- 6 (i) **Exterior Lighting.** All exterior lighting shall comply with
7 the standards of Section 5-652(A) (Exterior Lighting
8 Standards).
- 9 (j) **Noise.** ~~The maximum allowable dB(A) level of impulsive~~
10 ~~sound emitted from the use, as measured at the property~~
11 ~~line, shall not exceed 55 dB(A). No outdoor music~~
12 ~~between 11 pm and 10 am on Friday and Saturday, and~~
13 ~~holidays and between 10 pm and 10 am on Sunday through~~
14 ~~Thursday.~~
- 15 (8) A structure existing prior to January 7, 2003, located within an
16 Historic Site District or Historic and Cultural Conservation District
17 may be used as a Country Inn and shall be exempt from the
18 minimum lot area, yard and floor area ratio requirements specified
19 above, provided that any expansion or enlargement of such
20 structure shall not exceed 15% of the total floor area existing prior
21 to January 7, 2003 unless a greater expansion is approved by minor
22 special exception pursuant to section 6-1300.
- 23
24 5-642 **Banquet/Event Facility.** Any ~~Banquet/Event~~ Facility use in the AR
25 districts shall comply with the following standards:
- 26 (A) **Intensity/Character Standards.** Hours of operation shall be
27 limited to 9:00 a.m. to ~~2:00~~ 12:00 a.m. ~~midnight~~
28
- 29 (B) **Size of Use.** The minimum lot area for a ~~Banquet/Event~~ Facility
30 shall be 25 acres.
31
- 32 (C) **Location on Site/Dimensional Standards.** The ~~Banquet/Event~~ Facility
33 use shall be set back 200 feet from lot lines.
34
- 35 (D) **Landscaping/Buffering/Screening.**
36
- 37 (1) **Buffer.** The use shall comply with the landscaping and
38 screening standards of Section 5-653(A).
- 39 (2) **Parking Areas.** Parking areas shall be screening to comply
40 with the requirements of Section 5-653(B).
- 41 (3) **Storage Yards.** All storage yards shall be screened and
42 landscaped consistent with the standards of Section 5-653(C).
43
- 44 (E) **Roads/Access Standards.**

(1) **General Access Standards.** A ~~Banquet~~ or ~~Event~~ facility shall comply with the road access standards of Section 5-654.

(2) **Number of Access Points.** There shall be no more than two points of access to a public road for the ~~Banquet or Event~~ facility use. ~~This requirement shall not preclude an additional access for emergency vehicles only.~~

(F) **Parking.** Parking and loading shall be provided as required by Section 5-1102.

(G) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A)(1)-(3).

(H) **Noise.** A ~~Banquet or Event~~ facility shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(I) **Indoor and Outdoor Events.**

(a) **Indoor events:** ~~An unlimited number of~~ weddings, meetings, private events may be held within a building approved for the ~~Banquet/Event~~ Facility use. The maximum number of attendees is based on the occupancy load of the event space as determined by the Uniform Statewide Building Code.

(b) **Outdoor events:** ~~An unlimited number of~~ weddings, meetings, private events may be held outdoors. The maximum number of attendees is based on the acreage of the property as identified in the table below:

Maximum Number of Attendees	Minimum Acreage
No outdoor events	Less than 10 acres
75 attendees	10 acres
150 125 attendees	25 acres
350 200 attendees	40 acres
350 attendees	75 acres

AR-1 District Regulations

1. Change "Banquet Facility" to "Banquet/Event Facility" as a "P" Permitted use from "M" Minor Special Exception.
2. Change Country Inn to "P" Permitted use from "M".
3. 2-102(F) Change as follows:
"Minimum Lot Size Requirements. Each principal permitted use shall meet the minimum acreage requirement, where specified in the "Additional Regulations for Specific Uses" in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the minimum parcel size shall be the equal to or greater than the sum of the

1 minimum acreage requirements listed in Section 5-600 for each of the
2 principal uses."

3
4 AR-2 District Regulations

- 5 4. Change "Banquet Facility" to "Banquet/Event Facility" as a "P"
6 Permitted use from "M" Minor Special Exception.

- 7 5. Change Country Inn to "P" Permitted use from "M".

- 8 6. Add 2-202(F) as follows (and re-number 2-202(A)-(F):

9 "Minimum Lot Size Requirements. Each principal permitted use
10 shall meet the minimum acreage requirement, where specified in the
11 "Additional Regulations for Specific Uses" in Section 5-600, for that
12 use. Where two or more principal uses are located on one parcel, the
13 minimum parcel size shall be the greater of the minimum acreage
14 requirements listed in Section 5-600 for each of the principal uses."
15
16

MATERIALS FOR ACCESSORY DWELLING DISCUSSION
(to include Tenant dwelling, Accessory dwelling, Caretaker's residence, Guest house)

5-602 Tenant Dwellings. Tenant dwellings may be located in the ~~AR~~, A-3, A-10, TR, CR and JLMA districts, in accord with the list of permitted and special exception uses for the individual zoning districts, subject to the following additional criteria:

- (A) **Tenant Dwellings.** One (1) tenant dwellings shall be permitted by right subject to the following criteria:
- (1) The tenant dwelling shall be located on a parcel with an area of ten (10) acres or more.
 - (2) One additional tenant dwelling shall be permitted for each twenty-five (25) acres of a parcel in excess of the minimum area of ten (10) acres.
 - (3) **Tenant Dwellings for Seasonal Labor/Special Exception.** In addition to those structures permitted under Section 5-602(A)(1) and (2) above, additional tenant dwellings for seasonal labor may be permitted by special exception.
- (B) **General Standards.** Tenant dwellings shall meet the following additional criteria:
- (1) **Screening.** Portable dwellings shall be screened from view from public roads and neighboring properties.
 - (2) **On Internal Roads/No Direct Access to Public Roads.** Structures for multi-family dwelling units shall be accessed by internal roads, shall not have direct access to public roads, and shall be screened from public roads and neighboring properties in accord with the landscaping and buffering requirements for multi-family dwellings.
 - (3) **Separate Dwelling.** For the purposes of 5-602(A)(1) and (2) above, each unit of a multiple dwelling structure shall constitute a separate tenant dwelling.
 - (4) **Home Occupations.** Occupants of tenant dwellings may conduct home occupations subject to the provisions of Section 5-400.

ATTACHMENT B

A401

- (5) **Size of Tenant Dwelling.** No tenant dwelling unit shall exceed 2,500 square feet in floor area.
- (6) **Occupants of Tenant Dwellings.** ~~Tenant dwellings shall be occupied only by persons or families that derive all or part of their income from labor performed on the farm.~~
- (7) **Sanitary and Bathing Facilities.** All dwellings shall have indoor sanitary, cooking, and bathing facilities, consistent with the requirements of the Uniform Statewide Building Code.
- (C) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).
- (D) **Parking.**
 - (1) **General.** Parking and loading shall be provided as required by Section 5-1102.
 - (2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- (E) **Landscaping/Buffering/Screening.**
 - (1) The use shall comply with the landscaping and screening standards of Section 5-653(A).
 - (2) Parking areas shall be screened to comply with the requirements of Section 5-653(B).
 - (3) ~~Driveways shall not be located within a required buffer yard area, except as minimally necessary to access the site.~~

5-612 Guest Houses. Guest houses are subject to the following additional standards:

- (A) Only temporary guests or occupants of the principal residence shall use the guest house.
- (B) ~~Temporary guests may stay no longer than three (3) months within any twelve (12) month period.~~
- (C) Guest houses may not be rented, operated for gain, or otherwise used as a separate dwelling.
- (D) The floor area of any guest house shall not exceed ~~1,500~~ 2,500 square feet.

A402

5-613 Accessory Apartments and Dwelling Units. Accessory units are subject to the following additional standards:

- (A) No such accessory apartment or dwelling unit shall exceed ~~1200~~ 2,500 square feet of gross ~~in~~ floor area.
- (B) Accessory apartments and dwelling units shall be permitted only on lots exceeding 20,000 square feet in area. Such lot size restrictions shall not apply in Rural Villages, Rural Hamlets and Countryside Villages. Further, in R-4 and R-8 zoning districts, accessory apartments and dwelling units shall be permitted on cluster or traditional design option lots, on lots less than 10,000 square feet in area.
- (C) In districts other than A-10, AR-1, AR-2, RR-1, RR-2, A-3 and PD-CV, accessory apartments and dwelling units shall be located only on lots served by public sewer.
- (D) Only one (1) accessory dwelling unit or apartment shall be permitted on a lot ~~meeting the minimum lot requirements of the zoning district in which it is located.~~ One additional accessory apartment or dwelling unit is permitted on a parcel with an area of 10 acres or more.
- (E) Accessory units may be located within an accessory building, agricultural structure, or in the principal structure.
- (F) All of the use limitations of Section 5-102 shall be met.
- (G) In the AR-1, AR-2, RR-1 and RR-2 Districts, one additional accessory dwelling shall be permitted for each 25 acres in excess of 10 acres. Additional dwellings may be permitted by special exception for seasonal labor.

ASSOCIATED DEFINITIONS:

Accessory Building: A subordinate building of not more than the greater of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure, or (ii) 2,500 sq. ft. more than 1,200 square feet, the ~~non-residential~~ use of which is associated with and customarily subordinate to the principal building and which is located upon the same lot as the principal building. (**This is from the ZORC recommended amendment.**)

Caretaker's residence: A residential structure on a site intended for use as a dwelling for a caretaker in connection with the particular purpose of the principal use on the same site. The caretaker's residence shall be accessory to the principal residential structure.

Dwelling, Accessory: A dwelling or apartment within or detached from the principal dwelling of no more than ~~1,200~~ 2,500 square feet of gross floor area, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

Guest House: Dwelling or lodging units for temporary non-paying guests in an accessory building.

Structure, Accessory: A building or structure subordinate and incidental to, and located on the same lot with, a principal building, the use of which is customarily found in association with and is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building.

Stable, Private: A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of ten (10) or fewer horses and no more than one (1) instructor engaged for the purpose of educating and training students in equitation.

Stable, Neighborhood: A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of twenty (20) or fewer horses and no more than (2) two instructors engaged for the purpose of educating and training students in equitation.

Tenant Dwelling: A dwelling occupied by a person or family that derives all or part of their income from labor performed on the farm. Tenant dwellings may include freestanding dwellings, portable dwellings, or apartments in an accessory farm building.

Use, Accessory: A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the building or lot.

**Excerpt from AR-1 use regulations to illustrate deletion of
Caretaker's residence, Guest House and Tenant dwelling from AR-1 and AR-2 Use Lists**

RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P/S	Section 5-613
	Caretaker's residence (accessory to single family detached dwelling)	P	
	Dwelling, single-family detached, including manufactured housing	P	May use AR District Cluster Option. See Sections 2-104 and 5-703. May divide property in accordance with Section 2-103 Development Options.
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
	Tenant dwelling	P	Section 5-602
	Tenant dwelling, seasonal labor	P	Section 5-602(C)
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed in the district	S	

A405